UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---X
ZOE CHEN,

Plaintiff,

- against -

LING XU and JOHN HOANG,

Defendants.
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ORDER ADOPTING REPORT AND RECOMMENDATION
17-CV-3993 (RRM) (ST)

ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Zoe Chen commenced this action on July 5, 2017, seeking damages for personal injuries sustained in a car accident. (Compl. (Doc. No. 1).) At the initial conference before the Honorable Magistrate Judge Steven Tiscione on October 17, 2017, counsel for the plaintiff informed the Court that the defendants had only recently been served and had not yet answered the complaint. (10/18/2017 Min. Entry.) The Court therefore adjourned the conference to December 5, 2017. (*Id.*) On December 5, Chen's counsel failed to appear. (12/19/2017 Min. Order.) When reached by the Court, Chen's counsel advised that the parties had settled and that a stipulation of dismissal would be promptly filed. (*Id.*) On December 19, 2017, when the stipulation and proof of service of the complaint still had not been filed, the Court set a hearing for January 2, 2018, for the plaintiff to show cause why this case should not be dismissed for failure to prosecute and why Chen's counsel should not be sanctioned. (*Id.*) Chen's counsel once again failed to appear on January 2. (R&R (Doc. No. 7) at 1.)

Accordingly, on January 12, 2018, Judge Tiscione issued, *sua sponte*, a Report and Recommendation recommending that Chen's action be dismissed. (*Id.*) Judge Tiscione reminded the parties that any objections to the R&R must be filed within 14 days of service of the R&R. (*Id.* at 2.)[1] The deadline to file objections has passed, and no party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure ("Rule") 72, this Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Thus, it is hereby ordered that Chen's action be dismissed pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to enter judgment, mail a copy of this Memorandum and Order and the accompanying judgment to each of the defendants at the address listed in the summons and complaint, note the mailings on the docket, and close this case.

SO ORDERED.

Dated: Brooklyn, New York
February 28, 2018

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge

[1] Both the R&R and the 1/12/2018 minute entry provide an incorrect deadline (January 19, 2018, only seven days from the date of the R&R) for objections. To correct this inadvertent error and to afford the parties a full opportunity to object to the R&R, the Court extended the parties' time to file objections to February 15, 2018, by an Order issued on February 1, 2018. (2/1/2018 Min. Order.)